

LITIGIOUSNESS

Repugnant to

694. 9. 24.
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The Laws of Christianity.

A

SERMON

PREACHED AT THE
CATHEDRAL CHURCH
IN

CARLISLE,

At the ASSIZES held there
August 10. 1743.

By EDMUND LAW, M.A.
Archdeacon of *Carlisle.*

Published at the request of the High Sheriff and Grand Jury.

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HUMPHREY SENHOUSE, Esq.High Sheriff of the County of *Cumberland.*Sir **JOSEPH PENNINGTON, Bar.**

Knight of the Shire.

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GENTLEMEN of the GRAND JURY,

*This very plain Discourse published at your Request,
and which could have no title to be made publick
but that of its Seasonableness, is most humbly
Dedicated.*

GENTLEMEN,

THE great Evil against which I
have here taken the liberty to re-
monstrate, has prevailed very long and ve-
ry notoriously amongst us, and wherefo-

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ever it does prevail is always, as I apprehend, attended with the worst of Consequences. Whether it is not already become in some sort a National Calamity, whether we are not justly ridiculed on this account by Foreigners^a, or if permitted to increase, whether it will not in time prove the impoverishment and ruin of our Country^b, may more properly belong to the consideration of others, who are both better qualified and authorised for such enquiries. But that it greatly hurts the Morals of our People, that it impairs their sense of Virtue, and destroys the very Life and Spirit of all true Religion amongst them where it predominates, we of the Clergy have but too much reason to complain. As to my own particular, I confess that it is always the most difficult and painful part of my Duty to preserve those under my care from this Vice more especially, and has given me no small concern to see the constant opposition made

^a *Lettres Juives*, l. 134.

^b The Sum annually expended in the Law and issuing clearly out of this small County is computed at 4000*l*.

D E D I C A T I O N.

to all such Labours, and the comparatively little good Effect which they are able to produce. On which account it is hoped the present Subject will not be esteemed altogether foreign to my Office, or improperly introduced on this Occasion; and if in prosecuting it I have indulged greater warmth, and descended somewhat lower than is perhaps either usual or agreeable in Discourses of this kind, That likewise may admit of some excuse; especially when I declare that no private Circumstances or particular Persons are alluded to in any respect.

I was desirous to examine the Case as thoroughly as I could, and thereby under a necessity of laying open some of those little Artifices which seemed to lay the first ground-work of this Grievance; these I have often been obliged to give attention to in private, and contribute my endeavours towards putting such as I was more immediately concerned for on their guard against them; which makes me the more willingly embrace the present Opportunity

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nity of doing the same once for all in a publick manner; and it is my highest satisfaction to observe that this Design, however meanly executed, meets with some countenance and approbation from Gentlemen who by their station and influence can effectually promote and perfect it; the doing which will, I conceive, as justly deserve the general Thanks, as your very favourable Reception of the following Piece demands this particular Acknowledgement from,

GENTLEMEN,

Your most obliged,

Humble Servant,

EDMUND LAW.

LITIGIOUSNESS

Repugnant to

The Laws of Christianity.

MATT. 5. 40.

*If any man will sue thee at the Law,
and take away thy Coat, let him have
thy Cloke also.*

IT is the great excellence of the Christian Precepts in general, that they are calculated in the most effectual manner to promote the temporal as well as spiritual happiness of Mankind : Their subject matter is of the utmost consequence to the well-being of Society, and of each individual; they are delivered in the strongest and most comprehensive terms, and may by the very lowest capacity, with the least degree of attention, be applied to all the common cases and concerns of life. Of these we have an admirable collection in this and the two following Chapters. I have pitched upon one, the subject whereof is the chief occasion of the present Solemnity,

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and more particularly necessary in this place. *If any Man, &c. i. e.* When any neighbour is contentious and inclined to injure you in some small matter, be content to bear a loss or two of that kind, at least run the hazard of doing so, rather than immediately enter the lists and engage with him in a contest for it.

The words are evidently figurative and proverbial ; ^a they put the case specially, and decide it in a peremptory way ; not thereby intending an absolute prohibition under every circumstance, or to insist always on the particular instance given ; but to fix a general Principle, or prescribe a Temper which may extend to all similar cases, and be sufficient to determine them whenever they occur : agreeably to the usual method of instruction in the East, which is bold, lively and affecting ; brief and easy of remembrance ; and which wants only common sense to qualify its maxims, and common honesty and ingenuity to render them consistent with the publick good, and with each other. This is what these

^a They don't mean the stripping a Man of all he has, even to the very Coat upon his back, as we apply the Proverb ; but only the depriving him of something of like value to one of his Garments ; or something which he has as clear a right to. The value of the damage here supposed may be judged of by the things joined with it in the *Misna. Baba Kama*, C. 8. Hal. 6. — *Vellicat aurem ejus, aut evellit crinem, aut conspuat ita ut in eum concidat sputum, aut tollit ab eo tunicam, aut denudat caput mulieris in publico, &c.* Add *Baba Metzia*, Fol. 78. 2. Si det quis pauperi denarium ad coemendum חלוק, *Ipsalior* ; ne coemat חלוק חלוק.

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Writers always presuppose, and to it they generally leave [a great deal more than we are used to do] the proper limitations and restraining clauses which of course arise in every point of doctrine, from the nature of the subject, circumstances of the person, the particular occasion, time and place. They lay down the general rule, and trust human nature to supply the relaxations and exceptions; which it is ready enough to do; — there's no great danger on that side.

Such are those Precepts of *giving to him that asketh, lending to him that would borrow; of not resisting Evil, but overcoming it with Good: Whosoever shall smite thee on thy right cheek, turn to him the other also; and whosoever shall compel thee to go a mile, go with him twain: Love your enemies; bless them that curse you, and the like: Precepts which we find were well understood by the common People of those times and places to whom most of them were directed, and to whom the whole conduct and behaviour of the Teacher shewed sufficiently how he designed them to be understood.* ^b Such also is the rule before us; which yet has been more than once excepted to by a late advocate for Infidelity, on account of *the loose, undetermined manner* in which, he says, it is given; *though he would have had much greater

^b *Christianity as old as the Creation. c. 13. p. 307. 311. 8^{va}.*

^c Readers of this Author's stamp may have more regard perhaps to the same rule, when they observe it to have been laid

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reason for excepting to it, had it been delivered in our prolix circumstantial way, which would have rendered it, and all such, little relished by the persons of that age in which they were originally given, and on whose reception their succeeding influence depended through all ages of the world; and which would have been urged now as no inconsiderable argument against the genuineness of these Discourses. This we may presume our Lord was well aware of, and therefore, notwithstanding what this Author observes of *his infinite knowledge enabling him so to express himself as that his words should not be liable to the least misconstruction*, [I should rather have said, to as little misconstruction as the nature of words admits of] yet he chose to use the common stile and language of his time; from whose Laws nevertheless *his subjects* at this day *may have considerable benefit*,^a especially as there are persons still appointed, and such we trust as are sufficiently able, to explain and adapt each to the present modes of thinking and expression. 'Tis our particular happiness likewise to find every difficulty of this kind

laid down by one of the greatest of their own Philosophers, and have the satisfaction of seeing in what a *precise determinate* manner it has been delivered by so perfect a master of language, and one who was so good a judge of the necessity for such a rule in life. *Cic. Off. 2. 18.* Convenit autem tum in dando munificum esse, tum in exigendo non acerbum: — Multa multis de jure suo concedentem: *a litibus vero quantum liceat, et nescio an paulo plus etiam quam liceat, abhorrentem.*

^a Id. ib. p. 311.

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obviated by variety of writers on the Gospel, who, as the same Author owns, ^e agree in a right stating and explaining of its Precepts: and accordingly the words of the Text are thus commented on by Interpreters^f.

“ If any one will extort a thing of small value from you, suffer him patiently to go away with it, and even yield him rather more, than continue in contention with him.— This and the like maxims in the Gospel must necessarily admit of some limitation; our Saviour’s design in them not being to render his Disciples defenceless and exposed to all the affronts and indignities which wicked persons will think fit to inflict upon them, nor oblige them to be strip’d of all their goods: but that Justice ought to give way to and be regulated by Charity; that we are not always strictly to insist upon our own rights; and that it is much better patiently to bear some inconsiderable loss, than fall into violent contentions and vexatious Law-suits.”

This I hope to make appear in the following part of my Discourse, wherein I shall *first*, briefly touch upon the Nature and Design of the Christian Institution in general, and point out the reasonableness of this particular Injunction in the Text.

And in the next place, consider how far the present Custom of going to Law may be consistent with them both.

^e Ib. p. 310.

^f *Beausobre and L’Enfant.*

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Now 'tis declared to be the great end of Christianity to preserve Love, Peace and Concord in the world, and to prevent all Wrath, Strife and Contention, with the Causes of them. This includes our whole Duty to our Neighbour, and is what we are most pathetically exhorted to on all occasions and in a remarkable variety of expressions. See particularly *Phil.* 2. 1.—5. *Eph.* 4. 31. 32. *Col.* 3. 12. —15.

This is *the Wisdom from above*, *Jam.* 3. 17, 18. to this tends all the *Fruit of the Spirit*, *Gal.* 5. 22, 23. as the opposite qualities are termed *carnal*, *1 Cor.* 3. 3. *earthly, sensual, devilish*, *Jam.* 3. 15. and contain the chief of those *Works of the Flesh* which we are over and over told, will exclude us from *an inheritance in the Kingdom of God*. *Gal.* 5. 19. 20. 21. This principle of Brotherly Love, [or Charity] is carried so very high in the Gospel as to be intitled the peculiar *new Commandment* of our Saviour, *Joh.* 15. 12. and 13, 34. the proper mark and character of his Disciples, *Joh.* 13. 35. to the promoters whereof he annexes the particular Blessing of being *the Children of God*, *Matt.* 5. 9. and the performance of which he styles being *perfect as our Father which is in Heaven is perfect*, *Matt.* 5. 48. comp. *Luk.* 6. 36. 'Tis that which his Apostles every where inculcate with the greatest vehemence, knowing that it could never be too often or too much inculcated, and on which his be-
loved

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loved Disciple [on that very account we may suppose beloved] more especially delights to dwell. 'Tis called *the Bond of Perfection*, Col. 3. 14. *the End of the Commandment*, 1 Tim. 1. 5. *the fulfilling of the Law*, Rom. 13. 8. 10. the surest evidence that we are in a state of Grace, and which above all things fits us for a state of Glory, 1 Job. 3. 14. 4. 7. 12. 16. 17. that which is more excellent than the most extraordinary gifts of the Spirit, 1 Cor. 12. 31. and 13. 13. that which itself will hide a multitude of sins, 1 Pet. 4. 8. Jam. 5. 20. and lastly, without which all our pretences to Salvation are entirely vain, all our endeavours after it ineffectual, 1 Cor. 13. 1. &c. Jam. 2. 14. &c. 1 Job. 4. 20. 21.

In numberless like passages of the New Testament we are urged to the practise of this great fundamental Duty, and invited and intreated to pursue all those other Virtues which promote it; and no less earnestly are we admonished to guard against every deviation from them, to avoid the very remotest tendency towards an indulgence of the contrary Vices, more especially the gratification of a favourite propensity to resent Injuries and return Evil for Evil; without which care all our other caution would be fruitless. We are likewise warned against some of the more rigorous methods of redressing ourselves [as that of going to Law particularly] which though they may sometimes be innocently

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nocently and usefully applied to, yet are on good grounds discountenanced in general, because in fact they are most commonly employed to different purposes, and in their own nature they have generally but bad effects. All violent measures, except in very desperate cases indeed, are of pernicious consequence, and rather aggravate than ease the malady; whereas mildness and moderation would with less pain and difficulty heal the wound: they naturally soften and subdue the minds of men, and sooner bring them to a sweeter temper, a better taste for goodness, a more just and generous sense of duty, than more severe coercive methods; and therefore we should reflect a little on our adversary's turn of mind, as well as our own, before we enter on such methods with him.

'Tis a great Truth, and worth our serious consideration, that *the Wrath of Man worketh not either the Righteousness of God, or his own real good, natural or moral*; unto which wrath we are therefore taught to *give place* sometimes, rather than oppose and swell our Brother's fury. Even our temporal interest in the main is best consulted by the Precept in the Text, and we should think ourselves obliged in point of Prudence as well as Duty to comply with it.

To give way in some things is the likeliest means of winning over a Person of the least

* See the Lord Bishop of *Bristol's* beautiful account of the Nature and Effects of *Revenge*. Sermon at *Rolls*, p. 159.

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ingenuity, and establishing a friendship which may prove of general use, and yield more than an equivalent for what we lose by such a piece of condescension. There are innumerable ways of serving and obliging one another when men are truly so disposed; without such a disposition there is really no living long well with any man, and this disposition is most likely to be engaged, nay probably can be engaged no otherwise than in the method which our Saviour here directs; who *knew what was in Man* much better than he knows himself, was intimately acquainted with our frame, and has in a most wonderful manner adapted all his Precepts to it, and applied them to those parts of it more especially which want them most,^b as has been oft made out incontestably to the confusion of all those who would advance the dictates of what they call *Natural Religion* in their room.

We often become hastily engaged in a course of Life all the consequences whereof we are by no means able to foresee; we are apt also to neglect and overlook the sources from whence spring most of our Calamities till they have got a head, and are too strong to be withstood; which yet if timely attended to, might easily have been suppressed. And here we are more obliged to the same hea-

^b Some very just Observations to this purpose may be seen in Mr. *Seed's* excellent Sermons on the intrinsic Proofs of Revelation. Discourses, vol. 2. p. 178. &c.

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venly Teacher than we commonly imagine for those Divine Instructions which point out to us and prepare us against the several remote hidden causes of our misery ; and if we could but be persuaded to *learn of him*, we should assuredly *find rest unto our souls* : if we would put some of these awhile in practise, we should have the satisfaction of experiencing them to be both easier and safer than the methods which our own corrupted hearts suggest.

It is the peculiar wisdom of the Christian Institution to strike at the very root and principle of each disorder of the human Mind ; to prescribe regulations to those Thoughts, Desires, Intentions which human Laws could never reach, and which if they are not timely guarded will infallibly break out into tumultuous Passions, and produce eternal Discord and Confusion in the World ; and if we fancy that we can in safety so far dispense with any of its rules, as to let those seeds of Evil grow to such a certain height, and stop them when we please, we shall soon find that we have miserably deceived ourselves.

There are some who perceive the beneficial tendency of the Christian Scheme in general, but yet are of opinion that it carries things somewhat beyond truth and nature, and that they could improve a little on its maxims. Thus they may think it right enough perhaps to forgive an enemy so far as

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to live quietly with him, and even treat him with some distant shew of respect ; they may judge it reasonable for their own convenience to behave civilly toward a worthless neighbour, and be ready upon occasion to exchange good offices with him ; but to take such into their very bosoms ! to *love*, and *bless*, and *pray* for them as Friends and Brethren, *as themselves* ! *This is a hard saying, who can bear it ?*

And yet as hard as this is, it would certainly be harder to perform the necessary outward Duties to our neighbour constantly and chearfully [*i. e.* so as to attain their due effect] without being possessed of those inward dispositions of heart from whence they flow.

How hard is it perpetually to seem what we are not ! to appear always friendly and good natured,—to *do* acts of kindness, without ever being in truth *kindly affectioned one towards another* ! How irksome must it be to carry on a continual series of Diffimulation ! and how almost impossible to gain the same end by it at last, which would immediately attend true genuine friendliness and *love unfeigned* !

Again. How hard is it to keep out of the confines of any Vice, howsoever destructive it appear to be, while we are indulging those very inclinations that prompt to this vice ; while we are treading those steps that naturally lead to it, and contracting a habit which at length becomes a necessary part of it !

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Now as it is next to an impossibility to treat our Brother equitably and give him tokens of respect, while we despise or hate him in our hearts, so 'tis extremely difficult to keep up a true kindness for any one with whom we are engaged in a course of Law; which as it is usually managed, I beg leave to say, is a state of mutual jealousy and suspicion, fears and discontents, hard thoughts and heart-burning provocations, which will sometimes break forth into contemptuous language and outrageous treatment. In short, it is a state of many and strong Temptations to Uncharitableness; into which therefore we should not rashly lead ourselves.

We may perhaps intend to proceed only a little in those crooked paths; but we shall soon find to our sorrow that it is much easier to avoid the causes of Offence, than afterwards to separate them from their Effects; to prevent the first occasions and beginnings of contention, than to check their future progress.

Whosoever suffers himself to be drawn into a Law-suit for small matters, let him set out at first in ever so good a temper, will become strangely liable to contract such an ill will toward his neighbour as is scarcely consistent with that mild, merciful, forgiving spirit which Christianity lays so great stress on, and with so much reason, as we have seen. 'Tis very hard to love our Brother as we ought, and set that value only on the goods of this

World

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World which we are required to doⁱ, [and much more so to make him sensible that we do it] whilst we are engaged in violent struggles with him for mere trifles, and whilst all the difference between us, were we but of a fair, friendly disposition, might be accommodated by the first honest Man we met with. Well may it be said to all such, as the Apostle says to his *Corinthians*, 1 Cor. 6. 7. *There is utterly a fault among you because you go to Law one with another. What ! is it so that there is not a wise Man amongst you ? No not one that shall be able to judge between his Brethren ?*

Besides, we know that in our Country such a method of redress at present must cost us a great deal more than the first Loss comes to^k; and therefore it is plainly a spirit of *Litigiousness*, an inclination for *Revenge* [which will be very apt to insinuate itself here sooner or later] and not a desire merely of obtaining reparation for that loss, and rescuing ourselves from the injury which we have suffered, or are like to suffer, (were that of any great significance, which is not supposed) that in such

ⁱ *Le Clerc in Matt. p. 49*

^k "Thou wouldest know if Property be so safely guarded as is generally believed: it is certain that the whole Power of a King of England cannot force an Acre of Land from the weakest of his Subjects; but a *knave's Attorney* will take away his whole Estate by those very Laws which were designed for its security. The Judges are uncorrupt, Appeals are free, and notwithstanding all these advantages, it is usually better for a Man to lose his Right than to sue for it." Letters from a *Persian* in England. l. 9.

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cases moves us to put one another to *trouble*, as it is commonly and very justly termed. Nor can it be imagined that the spirit of Christianity should have any proper influence on either him that is supposed to do the wrong, or him that ought to suffer it, when things are wilfully run on to such a length.

Small affronts then, and petty injuries, where the remedy would on the whole be worse than the disease, worse to ourselves, as well as the offending Party; these are the things which we are here required to put up from our Brother, in a sense of brotherly Love and Charity, rather than try to redress ourselves by flying to the utmost rigour of the Law. In mischiefs of a higher kind, and where the damage is less tolerable, both reason and nature will direct us to what then becomes the proper method of relief; nor are we with-held from it, either by the Laws of Christ, or the determination of any of his Disciples. On the contrary, the great and good Apostle Saint *Paul*, who so well knew his Master's will and was so ready at all times to suffer for his honour and the interest of his Cause, yet when that end was not to be answered by his Suffering, he sets us an example of avoiding it by pleading his *Roman Privilege*; he peremptorily refuses to be given up to his enemies by a partial Governour, and in a cause worthy of it makes no scruple to appeal to *Cæsar*.

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So far was he from advancing those un-
found slavish Doctrines, which have since
been propagated in his name¹.

Nor can he reasonably be supposed to con-
demn all application to the Law of their
Country among Christians, in the place last
cited, or indeed any Appeals but such as drew
them before Heathen Judicatories to the no
small prejudice and disgrace of their Pro-
fession, when he gives them express directi-
ons to set up some among themselves to judge
their causes, and reproves them for not sub-
mitting such to the decision of the Elders of
the Church. 1 Cor. 6. 2. 4.

But this point needs less proving, as the
contrary is now given up even by those few
Enthusiasts that seem'd formerly to hold it,
who are observ'd now-a-days to run as eagerly
to Law as any of their neighbours. There is
more occasion on the other side to settle di-
stinctly the limitations and explain the con-
ditions under which only it is allowable and
becoming our Profession.

In order to this, let it be observed, First,

That in a wager of Law [as, in War] there
is always a fault on one side or the other, ex-
cept where both parties amicably refer the
matter in dispute to the decision of the Court,
agree to take the shortest course to that deci-
sion, and resolve to be concluded by it; which

¹ See the Lord Bishop of *Winchester's* Sermon on Saint
Paul's behaviour towards the Civil Magistrate.

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in the number of Causes brought before our Judicatories I fear very rarely happens: excepting such a case, I say, there must be wrong on one side, and therefore it behoves them both to weigh the matter well in their own consciences, which will if fairly attended to faithfully inform them whether it does not in some respect or other lie on theirs: however, the general presumption will most justly lie against him who is observ'd frequently to be the aggressor, more especially in little matters, which make up the greatest number of our Causes, and are frequently attended with the greatest Malice in the prosecution, from whence indeed they had their rise. Not but that the same principle of Injustice may predominate in affairs of greater consequence and a more complex nature; which therefore do not always constitute the best of Causes; and a great deal of Violence may appear even in a seemingly trivial Prosecution; and therefore such is not at all times to be bore with: (when that is to be done common Prudence and an impartial view of the consequences may determine, to which Christianity does, as every Institution human or Divine must, leave us) yet still, as such may in themselves be born the easilier, we have more room to deliberate coolly and dispassionately about the consequences of resisting them, and a better opportunity of shewing our Christian forbearance in the suffering of them, and

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sacrificing some of our interests and conveniences to Charity and the common Good: and therefore in such cases a good man would not be very ready to implead or to join Issue with his Brother; he would not willingly be found engaged thus in *beating* of his fellow servant: a true Christian will never hastily lay hands on any one and take him by the throat for a small Debt, will not deliver him to the *Tormentors* for each petty trespass; but rather is disposed, and more especially when he himself is found to be the trespasser, to comply with that direction of his Master, *Mat. 5. 25. Luk. 12. 58. Agree with thine adversary quickly whilst thou art in the way with him.* — try all means to make matters up to the very last, even though wrath be gone forth and steps already taken towards bringing them before the Judge.

2. In the beginning of strife, whether it immediately relate to ourselves, or we are engaged in it for others, we may be so apt to flatter ourselves, or inclined to flatter them; so very tenacious of our Property, or jealous of our Reputation; we may have one side so much at heart, dwell so long wholly on it and with so much eagerness, till we persuade ourselves that it is absolutely right, and that there's no kind of foundation for the other: whence we naturally conclude that the adverse party must be very unreasonable, and that he ought to be dealt with accordingly; and by degrees grow violent enough to deter-

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mine that all means are allowable which can be made use of in our own defence or to the other's prejudice; especially if we find, or only imagine that we shall find, him practising the same; though in our cooler hours we should allow this to be far from any justification of ourselves in doing the like: nay that it is the very crime of *rendering evil for evil*, in the worst sense, which it was our Lord's main design to censure in this Chapter.

And thus are we led to make the Law a mean not so much of gaining redress as gratifying our revenge; we soon lose sight of the first ground of contention, and go on contending for the Victory: we are now seeking not to satisfy our Brother's judgment, but subdue him; and henceforth please ourselves in labouring to teach him, as we say, a Lesson of *Humility*, but in a sense far different from that heavenly Virtue which our Lord prescribes.

Nay, 3. we may have just cause to commence or stand a Suit, as in defence of some important rights of our own or others whom we are concern'd for, in support of some very valuable Priviledges which the Laws of our Constitution entitle us to, at least we may have so much ground to think so both from our own judgement and that of those whom we consult as may be sufficient to excuse us in it, and even make it part of our duty: we may set out fairly and impartially, and yet offend many ways in prosecuting it; when (as was
just

just now observ'd) we suffer ourselves to be heated in the course, to be exasperated by the ill treatment and vexatious methods we meet with, or are ourselves tempted, when we find the issue turning against us, to try the like methods to harass, tire out and oppress our adversary, whom we have no hopes otherwise to get the better of.

Beside the grosser instances of downright *Perjury*, of suborning witnesses to speak directly contrary to their knowledge, or beyond what they are certain of, instructing them just what they are to say, or tampering them either wholly to suppress the Truth or to disguise it, to palliate or exaggerate a fact or circumstance, or give evasive Answers when they are examin'd on some certain points; beside these more gross, flagrant acts of iniquity, which we hope few can be found hardy enough to attempt; there are too many others which 'tis to be fear'd are very commonly committed and with very little scruple, though they lead evidently to the self same end, and border nearly on the great sin above-mention'd.

We may industriously perplex the nature of a Cause and pervert the true state of it; We may put by the decision of it with affected difficulties and delays, with various collusive pleas, petitions, allegations; the truth and pertinence whereof no Court can always fully judge of, and which tend, as they are purely

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purely design'd to tend, to the no small grievance and distress of the opposite Party. To try all ways of catching others at a disadvantage; to watch each slip, amuse, mislead and draw them into a snare, is look'd on as most notable dexterity: to be ingenious at finding out nice quirks and subtle stratagems, and expert at employing them to foil, entangle, non-suit, — to confound or annoy the enemy, — is with some persons all in all, on which they value themselves, and are valued not a little by others who should have a more just way of thinking. Happy is he that can hit on the best expedient to prop up a tottering cause, or crush one that is better founded! High honour will he gain who appears to have the most success in extricating himself out of a Labyrinth of Law, or readily involving others in one! Nay such as cannot even rise so high, may yet supply the want of the foremention'd Talents, and support themselves in tolerable credit, barely by being able to set a bold face on any thing, by the mere dint of hectoring, intimidating, lying. — These and a thousand other such Arts, which it would be too tedious and scarce decent here to mention, are in practise every day: which though some few of them may sometimes perhaps in some degree be necessary for the maintenance of a good Cause, yet there's but too much ground to apprehend that they are generally made use of in supporting of the many bad ones, which have most need of them.

By

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By these means does the Law itself in a manner become *Sin* to us, and each person may have reason to say with *St. Paul's Israe- lite*, *I was alive without the Law once, but when that came, Sin revived and I died.* How many through such methods are undone daily by defending themselves at Law, and literally lose both *Coat and Cloke!* How many are push'd on to prosecute their Adversary for the least offence, the smallest provocation; and encourag'd to proceed till they have *bailed him to the Judge*, got him *deliver'd to the Officer*, and *cast into Prison*, from whence he shall not depart till he have paid the very last mite: and all this probably at the instigation of another far worse adversary, who seeks and subsists by the ruin of them both.

I would not incur the least imputation of levity in this solemn Place; the thing is of a very serious Nature, a sore Evil which has long been lamented, and calls loudly for redress, both for the credit of the Law and its Professors, and the interest of the Gospel [*i. e.* the true interest of us all] and I don't doubt but it will be attended to by those who have Authority to correct it; of which we had a late eminent Example here, and which is more effectually done above by that Illustrious Person who so worthily presides in one of his Majesty's Courts, and is so justly there distinguished as the great Refuge from Oppression, and Reformer of the Law, the Terror of
Male

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Male practisers of every kind, as well as Patron of all who do well. I speak from what I oft have been a witness of, and could dwell on with pleasure would the time allow it.

WO After all, we must confess that *the Law is good* in many respects would Men but *use it lawfully*: The Profession of it is always honourable, and extremely necessary in such a Country as ours, where so much Property is lodged in private hands and at their free disposal; where the transferring of it is so frequent, where so many Contracts must occasion such variety of Contests, and so many intricate Cases will arise, requiring to have the Sense of Laws explained by persons learned in them^m. I may add, that the assistance of such Persons who are used to state and urge all matters with the utmost clearness, force and method, and propriety, will [at least may] help mightily both to extort the truth from Witnesses, and enable others to discover it more perfectly, and awe them into an observance of it; to which even the solemnity of the thing contributes very much on these occasions. And they of this honourable Profession who are above all things careful to support the Cause of Truth and Righteousness, and thereby keep their own Integrity, amidst the great Temptations which attend their Practice (and many such most undoubtedly there are) these

^m See *Whitlock's Speech before the House of Commons*. Memor. p. 432.

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cannot ever be too much esteemed, nor will they fail at length of meeting with that Reverence and Love which their superior Characters deserve.

The Forms and Methods of proceeding in the Law admit indeed of a great deal of *Chicanery*, to shew Men what they must expect when they are trying to over-reach one another, and quit the plain path of Right and Equity; which is of excellent use to enforce our Saviour's Precept in the Text on such as are not to be swayed by nobler motives. In this sense we may justly apply the *Terror* of the Law to persuade Men to Peace; and sure I am, if it were well considered, nothing would in a more effectual way discourage and restrain them from contesting little mattersⁿ.

ⁿ Excellent upon this Subject are the Words of Bishop Taylor, *Life of Christ*, P. 2. S. 12. p. 256. "If we consider Suits
" of Law as they are wrapped in circumstances of action and
" practise, with how many subtleties and arts they are managed,
" how pleadings are made mercenary, and that it will be
" hard to find right Counsel that will advise you to desist if
" your Cause be wrong (and therefore there is great reason
" to distrust every Question, since if it be never so wrong, we
" shall meet Advocates to encourage us and plead for it) what
" danger of miscarriages, of uncharitableness, anger and animosities,
" what desires to prevail, what care and fearfulness of the event,
" what innumerable temptations do intervene; how many sins are secretly
" insinuated in our hearts and actions; if a suit were of itself never so
" lawful, it would concern the duty of a Christian to avoid it, as he
" prays against temptations, and cuts off the opportunity of a Sin. It
" is not lawful for a Christian to sue his Brother at the Law, unless he
" can be patient if he loses, and charitable if he be wronged, and can
" prosecute his end without any mixture of covetousness, or desires to
" prevail without envy, or can believe

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I am far from intending to asperse the Laws of my Country, or cast any general reflections on those excellent Persons who are chiefly concerned in the Execution of them. If any thing appear to need amendment in either (and whether their does or no I shall not presume to take upon me to determine) it is our particular happiness to see those employed at present in the Administration of Justice who are both able and willing to contribute to that end, to whose care therefore it may safely be committed.

Instead then of setting up for *Judges of the Law* and censuring our Superiors, better does it become us Ministers of the Gospel of Peace

“ lieve himself wrong when his Judge says he is, or can submit
 “ to peace when his just cause is oppressed and rejected and
 “ condemned, and without pain or regret can sit down by the
 “ loss of his right and of his pains and his money. And if he
 “ can do all this, what need he go to Law? he may with less
 “ trouble and less danger take the loss singly, and expect God’s
 “ providence for reparation, than disentitle himself to that by
 “ his own frowardness, and take the loss when it comes load-
 “ den with many circumstances of trouble.— I have no more
 “ to add to this Article but the saying of the Son of *Sirach*,
 “ *He that loves danger shall perish in it.* And certainly he had
 “ need be an Angel that manages a suit innocently, and he
 “ that hath so excellent a Spirit as with innocence to run
 “ through the infinite temptations of a Law-suit, in all prob-
 “ ability hath so much holiness as to suffer the injury, and so
 “ much prudence as to avoid the danger: and therefore no-
 “ thing but a very great defalcation or ruin of a Man’s estate
 “ will from the beginning to the end justify such a controver-
 “ sy: when the Man is put to it so that he cannot do some
 “ other Duty without venturing in this, then the Grace of
 “ God is sufficient for him; but he that enters lightly shall
 “ walk dangerously, and a thousand to one but he will fall
 “ foully.”

to

to content ourselves with noting the Errors and reprov'ing the Vices which oppose it more immediately within our sphere, and have the most direct tendency to defeat the end of our Ministry; with *exhorting that Prayers, Intercessions, and giving of thanks be made for all Orders of Men, particularly those in Authority, that we may lead a quiet and peaceable Life in all Godliness and Honesty: putting Men in mind to be subject to Principalities and Powers, to obey Magistrates in general, and in an especial manner embrace every opportunity of expressing their gratitude and love to his Majesty, for his goodness in appointing such upright Guardians of our Laws and Liberties; to shew our sense of this by paying all due Honour, by performing a chearful, willing Obedience to him and those that are employed under him in the great and good work of preserving Order, Tranquillity, and all other benefits of society to us; and to co-operate with them each in our respective stations: that so Judgement may run down as Waters and Righteousness as a mighty stream: that they may refresh and chear the Land on each return of these Solemnities; which must certainly be the Blessing and the Glory of it, could they be kept free from this great Evil I have been describing, and which we may suppose to arise in some measure from that signal Benefit of so commodious an opportunity of having redress as hereby above other Nations we enjoy.*

Seeing

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Seeing therefore that by our present Governours we enjoy great quietness in this respect, let us accept it in all places with all thankfulness. As we have the satisfaction to observe how very far the Laws are now from being stretched by Tyranny and Oppression on the one hand, let us have the Duty to endeavour that they be not overborn and trod down by Licentiousness and Faction, or eluded by deceitful Craftiness and Quibbling on the other; but that they may obtain their due force, and preserve their just esteem, and thereby may support our excellent Constitution in its native Vigour, and continue to be the great strength and stability of our King's Reign, as well as most effectually secure the Liberties and Properties of all his Subjects.

F I N I S

